

for deaf persons (TDD's) or equally effective telecommunication systems shall be used to communicate with persons with impaired hearing.

(b) The agency shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The agency shall provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) This section does not require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with § 15e.160 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head or his or her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with handicaps receive the benefits and services of the program or activity.

§§ 15e.161–15e.169 [Reserved]

§ 15e.170 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on

the basis of handicap in programs and activities conducted by the agency.

(b) The agency shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1614 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) The Director, Office of Advocacy and Enterprise, shall be responsible for coordinating implementation of this section and shall make the determinations described in paragraph (g) of this section. Complaints may be sent to Office of Advocacy and Enterprise, U.S. Department of Agriculture, Washington, DC 20250.

(d) The agency shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The agency may extend this time period for good cause.

(e) If the agency receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate Government entity.

(f) The agency shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), is not readily accessible to and usable by individuals with handicaps.

(g) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the agency shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by § 15e.170(g). The agency may extend this time for good cause.

§§ 15e.171–15e.999

(i) Timely appeals shall be accepted and processed by the head of the agency.

(j) The head of the agency shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the head of the agency determines that additional information is needed from the complainant, he or she shall have 60 days from the date of receipt of the additional information to make his or her determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.

[58 FR 57697, 57699, Oct. 26, 1993, as amended at 58 FR 57697, Oct. 26, 1993]

§§ 15e.171–15e.999 [Reserved]

PART 15f—ADJUDICATIONS UNDER SECTION 741

Subpart A—What Is the Purpose of These Regulations and to Whom and to What Programs Do They Apply?

Sec.

15f.1 What is the purpose of these regulations?

15f.2 Who may use these procedures for processing their discrimination complaint with USDA?

15f.3 If I want to use these procedures to have USDA consider my complaint, how long will it take for USDA to make a decision?

15f.4 What do certain words and phrases in these regulations mean?

Subpart B—I Filed a Complaint With USDA Prior to July 1, 1997, How Do I Request That USDA Consider My Complaint Using These Procedures?

15f.5 How do I request that USDA consider my complaint under these procedures?

15f.6 What must I say or include in my Section 741 Complaint Request?

7 CFR Subtitle A (1–1–22 Edition)

15f.7 May I be represented by an attorney?

Subpart C—What Happens After I Send in My Request? May I Seek To Resolve My Complaint Informally With OCR?

15f.8 What does the Docketing Clerk do with my request?

15f.9 What will the Director do to settle my Section 741 Complaint Request when it is received?

15f.10 What if I do not want the Director to review my Section 741 Complaint Request and I want to proceed directly to a hearing?

Subpart D—If I Request a Hearing, What Will Happen? How Will the Hearing Be Conducted?

15f.11 Where must I file a hearing request and what happens to it?

15f.12 Am I entitled to a hearing in all circumstances?

15f.13 What is the function of the ALJ and who may communicate with him?

15f.14 What happens after I file a request for a hearing?

15f.15 What happens after the Docketing Clerk notifies all parties?

15f.16 Although I request a hearing, may I request the ALJ to issue a decision without a hearing?

15f.17 What happens before the hearing?

15f.18 May I depose potential witnesses?

15f.19 Other than myself, OCR, and the agency, may any other interested party participate in the proceeding?

15f.20 May I subpoena witnesses to the hearing?

15f.21 What rules are applicable to the actual conduct of the hearing?

15f.22 What happens after the hearing?

15f.23 What will constitute the record for the final determination?

15f.24 When and in what form will a final determination be made on my complaint by USDA?

15f.25 Will USDA pay my attorneys fees if I win?

Subpart E—What if I Do Not Agree With the Final Determination by USDA?

15f.26 May I seek judicial review of the final determination?

Subpart F—How Do I Count Days for Purposes of Deadlines and What Happens if I Miss a Deadline in These Rules?

15f.27 When is something considered “filed” as required by these rules and to whom do I need to give copies of what I file?

15f.28 When I or someone else has to do something within a certain number of